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STATE OF IOWA
BOARD OF EDUCATIONAL EXAMINERS
Grimes State Office Building – 400 East 14th Street
Des Moines, Iowa 50319-0147

Minutes

April 7, 2006

Table of Contents

	<u>Page</u>
Motions	2
Meeting Called to Order	6
Licensee Discipline	6
Consent Agenda	8
Communication	8
Removal of Letter of Reprimand – Notice of Termination	12
Class G License – Adoption	12
Substitute Authorization Renewal – Adoption	12
Special Education Support Personnel – Notice	13
Audit of Renewal Requirements – Notice	13
Proof of Legal Presence – Notice	13
Petitions for Waiver	14
Adjournment	15

STATE OF IOWA
BOARD OF EDUCATIONAL EXAMINERS
Grimes State Office Building – 400 East 14th Street
Des Moines, Iowa 50319-0147

Motions

April 7, 2006

Jacqueline Wellborn moved, with a second by William Haigh, that the Board go into closed session for the purposes of discussing whether to initiate licensee disciplinary proceedings and discussing the decision to be rendered in a contested case, pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f).

MOTION CARRIED UNANIMOUSLY.

Ying Ying Chen moved, with a second by Jacqueline Wellborn, that in **case number 04-21**, In the Matter of: Kevin Benford, the Board reject the stipulation and settlement submitted by the parties based on the reason that the sanction is not sufficient for the conduct and return the case to the parties for further proceedings consistent with the decision. Roll call vote: Haigh – yes; Carter – yes; Seeland – yes; Paulsen – yes; Robinson – yes; Chen – yes; Wellborn – yes; Smith – yes; Aboud – yes; and Jeffrey – yes. **MOTION CARRIED UNANIMOUSLY.**

William Haigh moved, with a second by Ying Ying Chen, that in **case number 05-08**, In the Matter of: John Richard Nees, the Board reject the stipulation and settlement submitted by the parties because the designated class is not appropriate to deal with the underlying issues and return the case to the parties for further proceedings consistent with the decision. Roll call vote: Aboud – yes; Smith – yes; Wellborn – yes; Chen – yes; Robinson – yes; Paulsen – yes; Seeland – yes; Carter – yes; Haigh – yes; and Jeffrey – yes. **MOTION CARRIED UNANIMOUSLY.**

1 Jacqueline Wellborn moved, with a second by William Haigh, that in **case**
2 **number 05-18**, In the Matter of: Charles Frieden, the Board the Board accept
3 the stipulation and settlement submitted by the parties and issue an order
4 incorporating the agreement of the parties and imposing the agreed-upon
5 sanction. Roll call vote: Haigh – yes; Carter – yes; Seeland – yes; Paulsen – yes;
6 Robinson – yes; Chen – yes; Wellborn – yes; Smith – yes; Aboud – yes; and
7 Jeffrey – yes. **MOTION CARRIED UNANIMOUSLY.**

8
9 Ying Ying Chen moved, with a second by Jacqueline Wellborn, that in **case**
10 **number 05-31**, Malvern CSD Board of Education v. Steve Lane, the Board not
11 initiate review of the proposed decision and allow the proposed decision to
12 become the final decision of the Board unless an appeal is taken by one of the
13 parties within the time allowed by rule. Roll call vote: Haigh – yes; Carter –
14 yes; Seeland – yes; Paulsen – yes; Robinson – yes; Chen – yes; Wellborn – yes;
15 Smith – yes; Aboud – yes; and Jeffrey – yes. **MOTION CARRIED**
16 **UNANIMOUSLY.**

17
18 William Haigh moved, with a second by Ying Ying Chen, that in **case number**
19 **05-37**, the Board extend the 180-day deadline for issuance of the final decision,
20 due to the need for additional time to conduct a hearing, prepare a proposed
21 decision, and review the proposed decision by the Board. Roll call vote:
22 Aboud – yes; Smith – yes; Wellborn – yes; Chen – yes; Robinson – yes; Paulsen –
23 yes; Seeland – yes; Carter – yes; Haigh – yes; and Jeffrey – yes. **MOTION**
24 **CARRIED UNANIMOUSLY.**

25
26 Jacqueline Wellborn moved, with a second by William Haigh, that in **case**
27 **number 05-15**, In the Matter of: Carol Walthart, the Board recommend that
28 the request for review of interlocutory order and the request for oral hearing be
29 denied. Roll call vote: Haigh – yes; Carter – yes; Seeland – recuse; Paulsen –
30 yes; Robinson – yes; Chen – yes; Wellborn – no; Smith – yes; Aboud – no; and
31 Jeffrey – yes. **MOTION CARRIED.**

1 Greg Robinson moved, with a second by Jean Seeland, to approve the March 3,
2 2006, minutes, as distributed. **MOTION CARRIED UNANIMOUSLY.**

3
4 John Aboud moved, with a second by William Haigh, to file a Notice of
5 Termination for the Chapter 11 proposed rules for removal of documentation of
6 a Letter of Reprimand (LOR) from the Board's website. Roll call vote: Haigh –
7 yes; Carter – no; Seeland – no; Paulsen – yes; Robinson – yes; Chen – yes;
8 Wellborn – no; Smith – yes; Aboud – yes; and Jeffrey – yes. **MOTION**
9 **CARRIED.**

10
11 Jean Seeland moved, with a second by Brian Carter, to adopt and file the
12 proposed change to Chapter 14 rules that would inaugurate a Class G School
13 Guidance Counselor license. **MOTION CARRIED UNANIMOUSLY.**

14
15 Brian Carter moved, with a second by John Aboud, to adopt and file the
16 changes to Chapter 14 rules that extend the duration of the substitution
17 authorization to three years, but only increase the renewal requirements from
18 one to two credits, in order to provide additional time for the person holding the
19 authorization to acquire the necessary credits needed for renewal. **MOTION**
20 **CARRIED UNANIMOUSLY.**

21
22 Brian Carter moved, with a second by Beverly Smith, to file under Notice of
23 Intended Action, the proposed Chapter 15 rules for the orientation and mobility
24 license, which were edited for clarity and consistency in structure. **MOTION**
25 **CARRIED UNANIMOUSLY.**

26
27 Brian Carter moved, with a second by Greg Robinson, to file under Notice of
28 Intended Action, the proposed amendments to Chapter 17 that would subject a
29 number of applicants to an audit of the credits they are submitting for the
30 renewal of their license. **MOTION CARRIED UNANIMOUSLY.**

31
32 Brian Carter moved, with a second by Jacqueline Wellborn, to file under Notice
33 of Intended Action, the Chapter 7 rules to address the procedural

1 responsibilities of the Board in licensing applicants who are not U.S. citizens,
2 but with deletion of two instances of the unnecessary phrase “After July 1,
3 1999.” **MOTION CARRIED UNANIMOUSLY.**

4
5 John Aboud moved, with a second by Brian Carter, that **in PFW 06-03**, JoAnn
6 R. Fannia, the Board table action on the Petition, pending submission of
7 additional information. **MOTION CARRIED UNANIMOUSLY.**

8
9 Brian Carter moved, with a second by John Aboud, that **in PFW 06-04**,
10 Shaleena Venkat, the Board grant the Petition for Waiver and grant a Class A
11 one-year conditional license until she has completed her fourth year of
12 educational coursework. **MOTION CARRIED UNANIMOUSLY.**

13
14 Brian Carter moved, with a second by John Aboud, that **in PFW 06-05**, Wayne
15 Lu, the Board grant the Petition for Waiver for the balance of the school year.
16 **MOTION CARRIED UNANIMOUSLY.**

1 Wellborn – yes; Smith – yes; Aboud – yes; and Jeffrey – yes. **MOTION**
2 **CARRIED UNANIMOUSLY.**

3
4 William Haigh moved, with a second by Ying Ying Chen, that in **case number**
5 **05-08**, In the Matter of: John Richard Nees, the Board reject the stipulation
6 and settlement submitted by the parties because the designated class is not
7 appropriate to deal with the underlying issues and return the case to the
8 parties for further proceedings consistent with the decision. Roll call vote:
9 Aboud – yes; Smith – yes; Wellborn – yes; Chen – yes; Robinson – yes; Paulsen –
10 yes; Seeland – yes; Carter – yes; Haigh – yes; and Jeffrey – yes. **MOTION**
11 **CARRIED UNANIMOUSLY.**

12
13 Jacqueline Wellborn moved, with a second by William Haigh, that in **case**
14 **number 05-18**, In the Matter of: Charles Frieden, the Board the Board accept
15 the stipulation and settlement submitted by the parties and issue an order
16 incorporating the agreement of the parties and imposing the agreed-upon
17 sanction. Roll call vote: Haigh – yes; Carter – yes; Seeland – yes; Paulsen – yes;
18 Robinson – yes; Chen – yes; Wellborn – yes; Smith – yes; Aboud – yes; and
19 Jeffrey – yes. **MOTION CARRIED UNANIMOUSLY.**

20
21 Ying Ying Chen moved, with a second by Jacqueline Wellborn, that in **case**
22 **number 05-31**, Malvern CSD Board of Education v. Steve Lane, the Board not
23 initiate review of the proposed decision and allow the proposed decision to
24 become the final decision of the Board unless an appeal is taken by one of the
25 parties within the time allowed by rule. Roll call vote: Haigh – yes; Carter –
26 yes; Seeland – yes; Paulsen – yes; Robinson – yes; Chen – yes; Wellborn – yes;
27 Smith – yes; Aboud – yes; and Jeffrey – yes. **MOTION CARRIED**
28 **UNANIMOUSLY.**

29
30 William Haigh moved, with a second by Ying Ying Chen, that in **case number**
31 **05-37**, the Board extend the 180-day deadline for issuance of the final decision,
32 due to the need for additional time to conduct a hearing, prepare a proposed
33 decision, and review the proposed decision by the Board. Roll call vote:

1 Aboud – yes; Smith – yes; Wellborn – yes; Chen – yes; Robinson – yes; Paulsen –
2 yes; Seeland – yes; Carter – yes; Haigh – yes; and Jeffrey – yes. **MOTION**
3 **CARRIED UNANIMOUSLY.**

4
5 Jacqueline Wellborn moved, with a second by William Haigh, that in **case**
6 **number 05-15**, In the Matter of: Carol Walthart, the Board recommend that
7 the request for review of interlocutory order and the request for oral hearing be
8 denied. Roll call vote: Haigh – yes; Carter – yes; Seeland – recuse; Paulsen –
9 yes; Robinson – yes; Chen – yes; Wellborn – no; Smith – yes; Aboud – no; and
10 Jeffrey – yes. **MOTION CARRIED.**

11
12 Greg Robinson moved, with a second by Jean Seeland, to approve the March 3,
13 2006, minutes, as distributed. **MOTION CARRIED UNANIMOUSLY.**

14
15 Board members made mention of a few issues. Jacqueline Wellborn said she
16 had been asked if there is a way of tracking the number of teachers who stay in
17 teaching after their mentorship is over. Board Chair Judy Jeffrey said she
18 would present some figures in the afternoon session. John Aboud stated that
19 he had received the one-year E-mail renewal notification. He then said that he
20 had been asked at what point a school district is liable if a teacher does not
21 have a valid license at some point in the school year. Ms. Jeffrey said that
22 statute dictates that a school district cannot employ an individual who is not
23 properly licensed for the position that the person holds. Such a situation is
24 both illegal and unethical. On school improvement visits, Department of
25 Education (DE) staff members find individuals who are not properly licensed for
26 the positions that they hold. The district must come into compliance very
27 quickly, and the DE subsequently verifies this. The DE can deny accreditation
28 for failure to comply, and such unethical action on the part of a school district
29 also violates rules of the Board of Educational Examiners. Mr. Aboud asked if a
30 school district receives a parallel notification that a teacher's license will be
31 expiring. Executive Director Dr. George Maurer said that the Board office does
32 not have the ability to do that at this time. It was noted, however, that some
33 school districts do notify staff members. Jean Seeland believes that some

1 second-year teachers may not fully understand that if their birthday falls
2 between January and March, they must apply for a license, and they do not
3 know for which license they must apply. She believes better communication is
4 necessary to remedy this. Board Chair Judy Jeffrey informed the Board of an
5 agreement signed with Taiwan to begin a teacher exchange program. The intent
6 is to send six to fifteen elementary teachers to Taiwan in the next school year in
7 a co-teaching situation in which the American practitioners will help teach
8 English to elementary students. She mentioned a few particulars of the
9 program and stated the hope that eventually this would involve Taiwanese
10 teachers coming to Iowa to teach. There is even interest in an exchange
11 between the Taiwanese Ministry of Education and DE personnel. The DE
12 website has further information. Board Chair Judy Jeffrey then thanked
13 retiring member Brian Carter for his four years of service on the Board. She
14 gave him a framed certificate and a letter of appreciation signed by the
15 Governor and Lieutenant Governor. Mr. Carter expressed his gratitude.
16 Jacqueline Wellborn subsequently presented him with the Board's farewell gift.

17
18 Executive Director Dr. George Maurer reported on a number of issues:

- 19 1) He reviewed the March monthly financial report.
- 20 2) In a legislative update, the House bill would allocate 75% to the Board and
21 25% to the General Fund (a 2% increase), with unlimited carryover. There
22 was not a lot of support for the Senate bill giving the Board 90% and the
23 General Fund 10%, with a 15% carryover.
- 24 3) Anita Westerhaus and Sue Swartz of Heartland Area Education Agency 11
25 will attend the May 3 board meeting at the University of Northern Iowa in
26 Cedar Falls. They will show the ethics presentation that has now been
27 developed on video. There is no word yet on the availability of a CD for
28 board members.
- 29 4) The Board heard in March a request from the Iowa School Nurse Association
30 (ISNO) to resume the practice of issuing a Statement of Professional
31 Recognition (SPR) to school nurses. Dr. Maurer researched SPRs and
32 presented his findings to the Board. The purpose of an SPR is to give
33 permission to group that is licensed by another agency. He expressed his

1 concern about equity among nurses with differing credentials and other
2 variables affecting the issuance of an SPR to nurses and potentially other
3 groups in the same situation. If the Board wants to move forward on this
4 issue, Dr. Maurer recommended that the SPR be for all people, that it be
5 required, that there be an expiration date, and that there be renewal
6 requirements. Board Chair Judy Jeffrey reminded board members that last
7 month's ISNO representatives also viewed the SPR as a validation from the
8 Board that school nurses were recognized as professionals in the
9 educational community. Dr. Maurer said he would bring a draft of rules to
10 the May meeting.

11 5) Dr. Maurer said there are several different updates being made to the
12 licensure database. It is hoped they will be in place by the first of July or
13 August.

14 6) He referred to an updated handout on plans for the board retreat.

15 7) He mentioned a request for consideration for community colleges to grant
16 renewal credit. Community colleges give C.E.U.s in the vocational areas,
17 which do not translate to what the Board accepts, necessitating a
18 translation of credit. Dr. Maurer said the AEAs convert all kinds of different
19 courses into credits. He believes there is a mechanism in place whereby if
20 the community colleges would work with the AEAs, those C.E.U.s could very
21 easily be converted to credits that could come to the Board for continuing
22 education. Licensure Consultant Geri McMahon will shortly be meeting
23 with renewal coordinators. Dr. Maurer will have her emphasize to the
24 coordinators the need to reach out to the community colleges and see how
25 they can work together for renewal credits. He hopes that avenue will get
26 the job done, rather than changing administrative rule and creating a new
27 structure.

28 8) He referred to a handout, which went out to a variety of different
29 organizations, that announced the Board office's new E-mail service
30 reminding license holders one year and then one month before the
31 expiration date of their license(s). Other venues will also be used to
32 communicate this information.

1 9) Administrative Consultant Susan Fischer referred to a handout of the
2 current rule that allows flexibility in the middle school so that someone with
3 a K-6 content endorsement may teach that content in grades 7 and 8, and
4 someone with a 7-12 content endorsement may teach that content in grades
5 5 and 6. This may create confusion for parents viewing online the licensure
6 credentials of their child's teachers. To remedy this, Ms. Fischer voiced a
7 proposal to change content endorsements to K-8 and 5-12.

8 10) Ms. Fischer then reported on her attendance at the Alternative Certification
9 Conference in February. She said that the meeting is always a very
10 educational one, at which participants find out all the different programs
11 in the U.S. and how well the programs have developed and improved over
12 the years. Over 250,000 persons have become teachers through various
13 alternative routes. Quality and depth of field experiences are the standard
14 that has developed in the past decade, rather than the "down-and-dirty"
15 survival skills path. Leaders in the field are trying to cull statistics on
16 alternatively certified teachers, and she detailed some of those. Rated
17 valuable are the practitioner's own teaching experience, mentoring,
18 methods courses, and professional development activities, with a
19 consequent push for higher standards in all the alternative programs,
20 including candidates with a degree, rigorous screening for disposition and
21 attitude, and field-based experience. She mentioned the names of a few of
22 the sessions with attendant summary comment. She found E-mentoring
23 particularly interesting, but found unsatisfactory Vermont's peer review of
24 experiences and coursework to meet teacher education requirements. She
25 found some special education options that might merit review due to the
26 high need. Ms. Fischer had hoped to get some federal funding for the
27 intern program through the Transition to Teachers grant. Iowa does not
28 qualify for that funding because it does not meet poverty guidelines. She
29 hopes some kind of funding may materialize in the future for the colleges
30 to prepare the programs and for the students to go through the program.
31 Iowa's problems are getting the schools to know about the interns and
32 getting more people into the program, things on which staff is working with
33 the teacher preparation institutions. On the other hand, staff is dealing

1 with applicants who have completed alternative teacher preparation
2 programs outside of Iowa. She asked for guidance on what the Board
3 would like staff to do for those who have completed a true alternative
4 program in another state, which does not deal with college coursework.
5 Board Member John Aboud requested samples of such submissions to the
6 licensure office. Board Chair Judy Jeffrey recommended moving
7 cautiously in this area in order to uphold Iowa's rigorous standards.

8
9 Board Chair Judy Jeffrey asked if there were any public comments. There were
10 none.

11
12 The Board began review of several sets of rules with removal of a Letter of
13 Reprimand. The staff, on behalf of the Board, had appeared before the
14 Administrative Rules Review Committee to respond to questions from the
15 Committee. The committee voted unanimously to send it to the legislature for
16 review. Executive Director Dr. George Maurer recommended that notice of
17 these rules be terminated. The Board agreed, nevertheless, that database
18 documentation of a licensee's Letter of Reprimand should record the date of the
19 board order. John Aboud moved, with a second by William Haigh, to file a
20 Notice of Termination for the Chapter 11 proposed rules for removal of
21 documentation of a Letter of Reprimand (LOR) from the Board's website. Roll
22 call vote: Haigh – yes; Carter – no; Seeland – no; Paulsen – yes; Robinson – yes;
23 Chen – yes; Wellborn – no; Smith – yes; Aboud – yes; and Jeffrey – yes.

24 **MOTION CARRIED.**

25
26 Jean Seeland moved, with a second by Brian Carter, to adopt and file the
27 proposed change to Chapter 14 rules that would inaugurate a Class G School
28 Guidance Counselor license. **MOTION CARRIED UNANIMOUSLY.**

29
30 Brian Carter moved, with a second by John Aboud, to adopt and file the
31 changes to Chapter 14 rules that extend the duration of the substitution
32 authorization to three years, but only increase the renewal requirements from
33 one to two credits, in order to provide additional time for the person holding the

1 authorization to acquire the necessary credits needed for renewal. **MOTION**
2 **CARRIED UNANIMOUSLY.**

3
4 The Board recessed for lunch at 11:53 a.m. and reconvened at 12:41 p.m.

5
6 Board members looked at the figures Board Chair Judy Jeffrey provided on a
7 handout, which showed the percent of first-year teachers in Iowa who taught
8 the following year in Iowa and moved from an initial to a standard license. The
9 numbers increased from 87% to 92% between 2000 and 2005. She responded
10 affirmatively when Board Member Jacqueline Wellborn asked if figures would be
11 available indicating the number of teachers who have completed the mentoring
12 and induction program and who have remained in Iowa the following year.

13
14 At the April meeting, the Board voted to notice rules creating the orientation
15 and mobility license. The Code Editor proposed significant editorial changes to
16 282—15.3(272). Executive Director Dr. George Maurer recommended that the
17 Board vote to notice these rules in place of those from last month. Brian Carter
18 moved, with a second by Beverly Smith, to file under Notice of Intended Action,
19 the proposed Chapter 15 rules for the orientation and mobility license, which
20 were edited for clarity and consistency in structure. **MOTION CARRIED**
21 **UNANIMOUSLY.**

22
23 Proposed amendments to licensure renewal rules would accommodate the
24 online renewal process and require individuals selected for audit to send in
25 documents proving completion of the requirements listed in IAC Chapter 17.
26 Brian Carter moved, with a second by Greg Robinson, to file under Notice of
27 Intended Action, the proposed amendments to Chapter 17 that would subject a
28 number of applicants to an audit of the credits they are submitting for the
29 renewal of their license. **MOTION CARRIED UNANIMOUSLY.**

30
31 Proposed rules for Chapter 7, "Proof of Legal Presence," would give practitioners
32 and other interested people more notice of the requirements to prove legal
33 presence in the United States. Brian Carter moved, with a second by

1 Jacqueline Wellborn, to file under Notice of Intended Action, the Chapter 7
2 rules to address the procedural responsibilities of the Board in licensing
3 applicants who are not U.S. citizens, but with deletion of two instances of the
4 unnecessary phrase "After July 1, 1999." **MOTION CARRIED UNANIMOUSLY.**

5
6 JoAnn Fannia requested a waiver from the requirement of a baccalaureate
7 degree to obtain a substitute authorization. Following admission to Harvard
8 Divinity School based on life experience, and not on a baccalaureate degree, she
9 completed a Master's degree in divinity. John Aboud moved, with a second by
10 Brian Carter, that **in PFW 06-03**, JoAnn R. Fannia, the Board table action on
11 the Petition, pending submission of additional information. **MOTION CARRIED**
12 **UNANIMOUSLY.**

13
14 Shaleena Venkat petitioned the Board to waive the requirement for a standard
15 license that an applicant hold a baccalaureate degree from a regionally
16 accredited institution. Iowa requires a baccalaureate degree, which is generally
17 four years in length. She completed a three-year education program in South
18 Africa. She is currently enrolled in a one-year advanced course in educational
19 leadership. This will give her the equivalent of four years of university credits.
20 She has six years of teaching experience in South Africa, in the United
21 Kingdom, and in North Carolina and Virginia. Brian Carter moved, with a
22 second by John Aboud, that **in PFW 06-04**, Shaleena Venkat, the Board grant
23 the Petition for Waiver and grant a Class A one-year conditional license until
24 she has completed her fourth year of educational coursework. **MOTION**
25 **CARRIED UNANIMOUSLY.**

26
27 Wayne Lu submitted a Petition to waive the rule that the teacher intern cannot
28 serve on the fifth- and sixth-grade level. He holds a teacher intern license valid
29 for teaching music in grades 7-12. His current assignment includes grade 5
30 instrumental music. When he accepted the position, the school and Mr. Lu did
31 not know that Mr. Lu would not be authorized to teach music in fifth grade.
32 Once he is recommended for his full teaching license, he will have the authority
33 to teach music in grades 5 and 6. Brian Carter moved, with a second by

1 John Aboud, that **in PFW 06-05**, Wayne Lu, the Board grant the Petition for
2 Waiver for the balance of the school year. **MOTION CARRIED UNANIMOUSLY.**

3
4 Before adjournment, Board Chair Judy Jeffrey fielded a few questions from
5 board members. She responded that Iowa does not have the teachers to fill the
6 classrooms to require every student to take the specific coursework stipulated
7 for the ACT Core. She has recommend that if there is movement to three years
8 of math and three years of science, local districts must be allowed decision-
9 making authority on what courses will count toward those math and science
10 requirements. No decision has been made on the issue of days versus hours,
11 i.e., the amount of time students are required to be in the classroom. With
12 regard to performance pay, there has been no study found in the last 20 years
13 that has shown it to raise student achievement. There has been no system in
14 place long enough to really be able to determine the long-term effects on either
15 the students or the teachers. Individual merit pay just simply has not worked
16 with the poor way it is usually constructed. Instead, schools successful in
17 raising student achievement showed evidence of rigor in the goal. Board
18 Member Greg Robinson concluded discussion by telling Ms. Jeffrey that she
19 does a very good job of advocating for children in Iowa.

20
21 There being no further business, Board Chair Judy Jeffrey adjourned the
22 meeting at 1:16 p.m.